BOARD OF ADJUSTMENT NOTICE OF PUBLIC MEETING

December 17, 2019

Notice is hereby given to all interested members of the public that the Horseshoe Bay Board of Adjustment will hold a Public Meeting beginning at 3:00 p.m., on Tuesday, December 17, 2019 in the City Council Chambers at City Hall, #1 Community Drive, Horseshoe Bay, Llano County, Texas. The agenda for the Public Meeting is to discuss and/or act on the following:

- 1. Call the Meeting to Order and Establish a Quorum
- 2. Pledges to the Flags
- 3. Approval of the Minutes of the November 19, 2019 Regular Meeting
- 4. Public Hearing, discuss, consider and take action on BOA Case No. 2019-05, a request by Clayton and Natalie Gaskamp for approval of a 3 foot 5 inch Variance for one corner of the proposed dwelling to encroach into the 10 foot side yard setback on the north side of Lot No. 8088 of Horseshoe Bay Applehead Plat No. 8.1 in the 100 block of Florentine.
- 5. Public Hearing, discuss, consider and take action on BOA Case No. 2019-06, a request by Two P's and a Q, LLC and Meghan Jordan for approval of a 5 foot height Variance from Section 14.02.406(h)(2) to exceed the maximum building height of 32 feet for Lot No. 21060 of Horseshoe Bay Plat No. 21.1 in the 600 block of Hi Circle North.
- 6. Approval of 2020 Meeting Schedule
- 7. Adjournment

Eric W. Winter, Development Services Dir.

The Board of Adjustment may go into closed session, if necessary and appropriate, pursuant to the applicable section of the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapter D, on any matter that may come before the Board that is listed on the Agenda and for which a closed session is authorized. No final action, decision, or vote will be taken by the Board on any subject or matter while in closed session. Any action, decision or vote will be taken by the Board only in open meeting.

BOARD OF ADJUSTMENT MINUTES OF REGULAR MEETING

November 19, 2019

The Board of Adjustment of the City of Horseshoe Bay held a Regular Meeting in the City Council Chambers at City Hall, #1 Community Drive, Horseshoe Bay, Llano County, Texas, on November 19, 2019, in accordance with the duly posted notice of said meeting.

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered, with the agenda subject and item number shown preceding the applicable paragraph.

1. Call the Meeting to Order and Establish a Quorum:

The meeting was called to order at 3:00 p.m. by Board Chairman Jim Babcock with a quorum of Board members present as follows:

Present:

Chairman Jim Babcock Board Member Bill Knox Board Member Dale Amstutz Alternate Board Member Jon Minyard

Absent:

Vice Chairman Lee Peterson Board Member Frank Gracely

2. Pledge to the Flags

There was no pledge as Frank Gracely was absent.

3. Approval of Meeting Minutes of the May 28, 2019 Regular Meeting, the August 20, 2019 Regular Meeting and the September 24, 2019 Regular Meeting

Dale Amstuz made a motion to approve the minutes as written, seconded by Bill Knox. The motion was approved unanimously (4-0).

4. Public Hearing, discuss, consider and take action on BOA Case No. 2019-04. A request by B&E Interests and Al Jaksa for approval of a 2 foot 6 inch Variance to encroach in both the front yard setback and the rear yard setback for Lot No. 335 of Pecan Creek Plat No. 1.1, also known as being in the 100 block of Lampasas Court in Horseshoe Bay, Texas. The purpose of the request is to allow construction of a new residence of 2,561 square feet.

Chairman Jim Babcock opened the Public Hearing. No one signed up to speak and there were no Public Comments. Mr. Al Jaksa and Mr. Austin Jaksa (applicants) were in attendance. Mr. Al Jaksa stated that the proposed home will only encroach into the front

yard setback by about 2 feet ½ inches and the home will encroach about 1 foot 11 ¾ inches into the rear yard setback. This is to allow for additional space in one of the bedrooms.

Chairman Babcock asked if the POA has approved the variance. Mr. Jaksa stated that the POA had approved the variance. Alternate Board Member John Minyard asked if other lots in the same neighborhood have received a similar variance to encroach into the setbacks. Eric Winter stated that many of the lots within this subdivision have received a similar variance. Chairman Babcock asked if they were building the home for a buyer or if it was a spec home. Mr. Jaksa stated that it was a spec home. Mr. Jaksa also stated that he owns the 2 lots next door to this lot and they should not require a variance.

A motion to approve the variance was made by Dale Amstutz and seconded by John Minyard. The variance was approved unanimously (4-0).

5. Adjournment

A motion to adjourn was made by Dale Amstutz and seconded by John Minyard. Motion was approved unanimously (4-0). Chairman Babcock adjourned the meeting at 3:12 p.m.

APPROVED this 17th day of December, 2019.

CITY OF HORSESHOE BAY, TEXAS

ATTEST:

Eric W. Winter, Development Services Director



To: Board of Adjustment

Thru: Stan R. Farmer, City Manager

From: Eric Winter, Development Services Manager

Re: Public Hearing, discuss, consider and take action on BOA Case No. 2019-05, a request by Clayton and Natalie Gaskamp for approval of a 3 foot 5 inch Variance for one corner of the proposed dwelling to encroach into the 10 foot side yard setback on the north side of

Lot No. 8088 of Horseshoe Bay Applehead Plat No. 8.1. The purpose of the request is to allow construction of a new residence while preserving the natural features of the lot.

The applicant is requesting a Variance to encroach 3 feet 5 inches into the 10 foot side yard setback on the north side of the lot. This is to allow the construction of a new residence while preserving the existing natural rock outcrop and significant oak trees.

The Board of Adjustment can only grant a Variance after holding a public hearing on the request and finding that:

- 1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of the land. The applicant states that: "The large granite intrusion prevents the house being moved further back in the lot." Staff has visited the property and has found this to be the case.
- 2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. The applicant states that: "This allows the preservation of a group of oak trees in the front of the lot." Staff has visited the property and has found this to be the case.
- 3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area. The applicant states that: "By saving the existing oak trees and natural rock formations, the granting of this Variance will enhance the other property in the area rather than harm them." Staff has no issue with this.

- 4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this article. The applicant states that: "The adjacent lot owner on the north side of this lot will not be prevented from the use of their lot by preserving the natural beauty of our lot." Staff has no issue with this.
- 5. That the granting of the variance constitutes a minimal departure from this article. The applicant states that: "A 3 foot 5 inch intrusion of a corner of the house into the 10 foot side yard building setback would be too small to be noticed from the street." Staff's review found this to be the case.
- 6. That the subject circumstances or conditions are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property. The applicant states that: "The pie shaped lot and the location of the existing oak trees and rock outcrop on the lot are not self-imposed but are natural features we are seeking to preserve." Staff agrees with this.

The Horseshoe Bay Applehead Architectural Control Committee has approved Variance request. Based on the above information, staff recommends approval.

Enclosures: Aerial Photos

Zoning Map Site Plan

Variance Approval Form



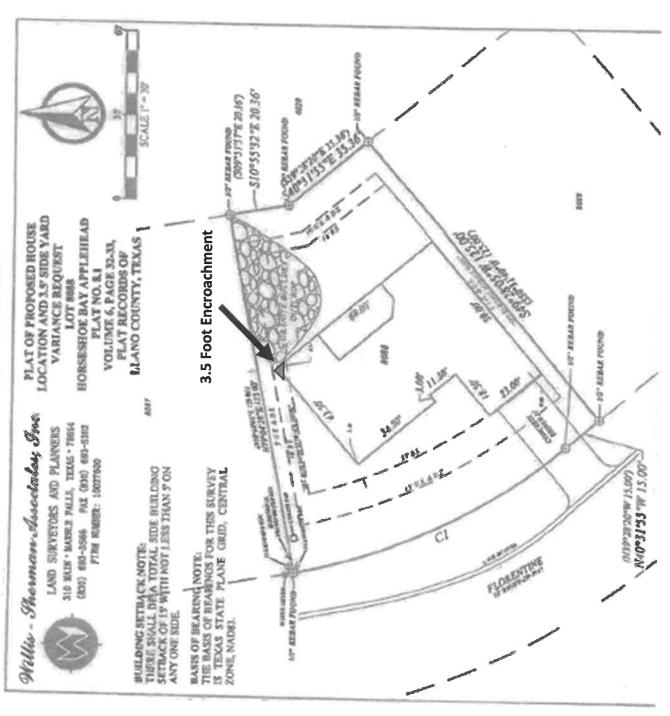
BOA Variance Case 2019-05 Lot A8088 Applehead Plat No. 8.1 100 Block of Florentine

A06 A06020R A08090R A08089R A08088R A08087R A08006R A08007R A08008R A08009R

Applehead Lot 8088 Florentine - Aerial Photo



Applehead Lot 8088 - Site Plan





City of Horseshoe Bay Board of Adjustment Zoning Variance Case No. 2019-05

On the 17th day of December, 2019, the foregoing application of Clayton and Natalie Gaskamp for a Variance with regard to the property described in said application, known as Lot No. 8088 of Applehead Plat No 8.1, also known as being in the 100 Block of Florentine, and the requested Variance to encroach 3 feet 5 inches in the 10 foot side yard setback was heard and considered by the Board of Adjustment of Horseshoe Bay, Texas. Said application having been found to be in compliance with all other requirements of the City's Zoning Ordinance and a public hearing having been conducted, said application is hereby approved and the following findings are made and incorporated into the minutes of the meeting at which the 3 foot, 5 inch Variance in the 10 foot side yard setback for Lot No. 8088 of Applehead Plat No. 8.1:

- 1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the City's Zoning Ordinance would deprive the applicant of the reasonable use of the land;
- 2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
- 3. Granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
- 4. Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of the Zoning Ordinance;
- 5. Granting of the variance constitutes a minimal departure from the Zoning Ordinance; and
- 6. The subject circumstances or conditions are not self-imposed, based solely on economic gain or loss, or generally affect most properties in the vicinity of the property.

APPROVED on this, the 17th day of December, 2019 by a vote of the Board of Adjustment of the City of Horseshoe Bay, Texas.

	CITY OF HORSESHOE BAY, TEXAS
ATTEST:	Jim Babcock, Chairman
Eric W. Winter, Development Services Director	



To: Board of Adjustment

Thru: Stan R. Farmer, City Manager

From: Eric Winter, Development Services Manager

Re: Public Hearing, discuss, consider and take action on BOA Case No. 2019-06, a request by

Two P's and a Q, LLC and Meghan Jordan for approval of a 5 foot height Variance from Section 14.02.406(h)(2) to exceed the maximum building height of 32 feet for Lot 21060

of Horseshoe Bay Plat No. 21.1 in the 600 block of Hi Circle North

The applicant is requesting a 5 foot variance from Section 14.02.406(h)(2) to exceed the maximum building height of 32 feet.

The Board of Adjustment can only grant a variance after holding a public hearing on the request and finding that:

- 1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of the land. The applicant states that: "The topography of the surrounding properties drains storm water onto our site. We are required to follow two sets of building codes that conflict in building height requirements." Staff has reviewed the drainage conditions and proposed grading for this site and agrees that setting the finished floor elevation 2 feet above the highest existing elevation seems logical. For this property both the City regulations and the ACC requirements have a maximum building height of 32 feet. Staff is waiting for additional information from the applicant regarding how they plan to keep the variance request to 5 feet, including possible ceiling height reductions or reduction in the roof pitch.
- 2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. The applicant states that: "If we did not receive this Variance we could have potential for flooding on the ground floor of the town-homes. We would also be required to lower the ceiling heights to an undesirable height and not meet the roof articulation requirements of the ACC." Staff has reviewed the proposed grading plan and determined that the proposed finished floor elevation will help the site grading.
- 3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area. The applicant states that: "There are no detrimental effects or safety hazards involved in granting of this variance." Staff has determined the proposed building will be visible from FM 2147. Any detrimental effects are hard to quantify. Staff is aware of opposition to this request from area residents and has

attached a copy of their reasons for opposition which the applicant and/or their engineer must address.

- 4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this article. The applicant states that: "We are adjusting the grades of our property to properly collect and redirect storm water directly into the lake and away from neighbor's properties, this will be a positive effect for adjacent landowners. In addition, all surrounding waterfront homes have the ability to construct 35' tall buildings." Staff has reviewed the drainage and grading plans and agrees that it may be advantageous to raise the finished floor elevation for this lot. Per the Horseshoe Bay Zoning Ordinance, R-1 Single Family homes in this Zone are permitted a 35' building height while R-6 Multi-Family buildings are permitted a 32' building height. The height difference between single family height and multi-family/townhouse height is because single family homes have a smaller façade and allow for open space between the dwelling units.
- 5. That the granting of the variance constitutes a minimal departure from this article. The applicant states that: "Thirty-five foot building heights are permitted on all waterfront properties per the ACC and it is also permitted by the City in the more restrictive zoning of R-1 for waterfront properties." Staff has determined that the ACC allows a 32-foot building height (not 35 feet) from the highest existing grade. Discussions with the ACC revealed an error in approval of this variance as they approved the variance thinking that the City maximum building height was 35 feet from highest existing grade not 32 feet from highest existing grade.
- 6. That the subject circumstances or conditions are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property. The applicant states that: "The existing site conditions as well as the topography of surrounding properties and roads were designed to drain towards the low water crossing. As a result, our civil engineers have calculated that our property, adjacent to the low water crossing, will collect large amounts of water during a storm from adjacent properties. To prevent flooding and to direct water into the lake we need to raise the ground floor by 2 feet. This is not a self-imposed circumstance; it is a result of previous development of the surrounding infrastructure and will have no effect on any of the surrounding properties. The existing circumstances of the conflicting building height maximums for waterfront properties between the ACC and the City of Horseshoe Bay is an existing condition, additionally the 35' building height maximum is permissible in the R-1 zoning, therefore the majority of the waterfront properties surrounding our property already have the ability to build a 35' tall structure on their property. It has been a large development challenge to meet the roof articulation requirements of the ACC, maintain the present-day ceiling heights and stay under the 32' building height of the R-6 zoning required by the City. The additional 3' that is permissible for waterfront properties of any zoning in the ACC and also in the R-1 zoning per the City's development code will alleviate the development challenges created by the two different codes." Staff's review of the ACC regulations shows a maximum building height of 32' from the highest existing grade without a variance being granted from the ACC. This is the same requirement as the City of Horseshoe Bay. There is no conflict in the regulations for this property. The majority of the surrounding properties are zoned R-6 Apartment, Townhouse and Cottage and have a 32-foot height limit. The residences

adjacent to this property and across the street from this property are 2-story. The residents across the water from this property are single family.

The Horseshoe Bay Architectural Control Committee has approved a 3-foot variance to build to 35 feet above the highest existing grade. Staff recommends approval of the Variance request conditional upon the applicant being able to obtain ACC approval of changes to the roofline to allow for 9-foot ceilings on each floor or changes to the ceiling height to bring the total building height to 35 feet. The City's Zoning Ordinance allows this use of the property provided all development requirements are met. The only requirement not being met is for the height, for which the Variance is being requested, but has options for being accomplished.

Enclosures: Aerial Photo

Zoning Map Site Plan Elevation

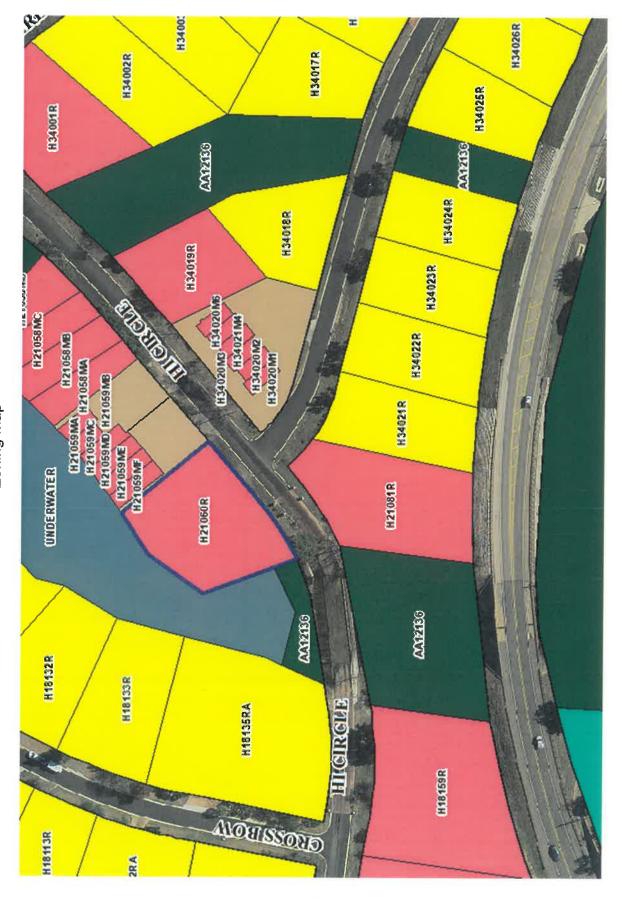
Comments Received in Opposition and in Favor of the Variance

Variance Approval Form

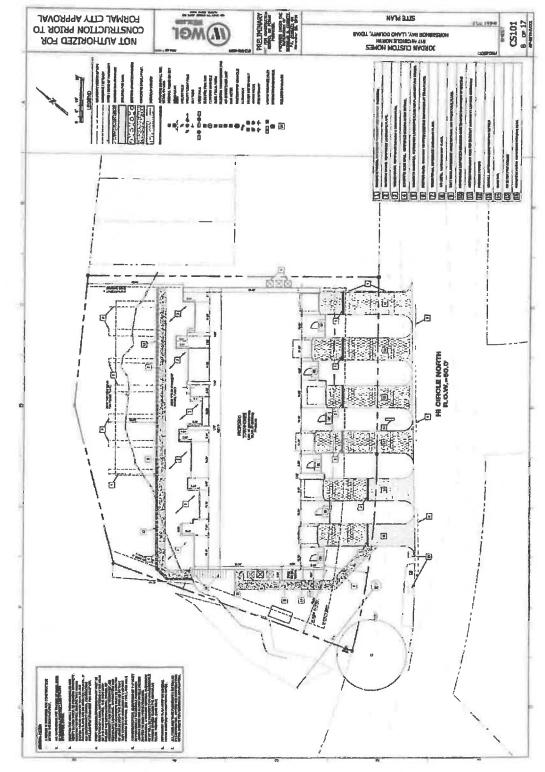
Horseshoe Bay Plat No. 21.1 Lot 21060 617 Hi Circle North Aerial Photo

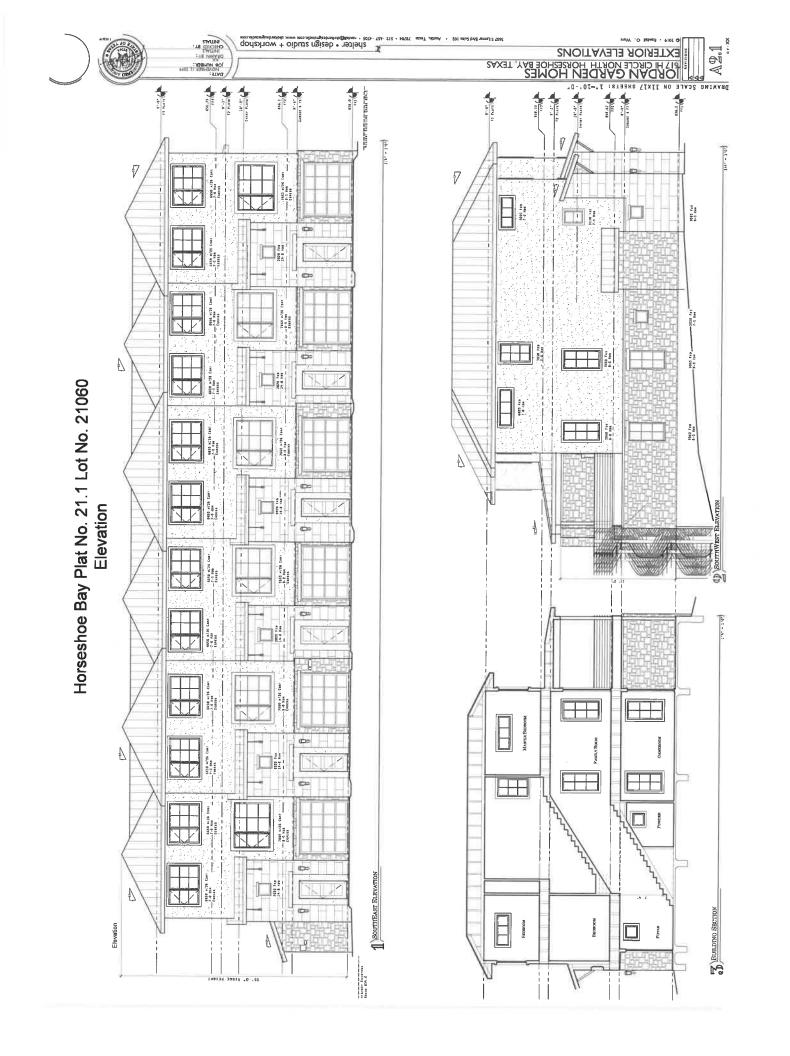


Horseshoe Bay Plat No. 21.1 Lot 21060 617 Hi Circle North Zoning Map



Horseshoe Bay Plat No. 21.1 Lot 21060 617 Hi Circle North Site Plan





Petition against the zoning variance request at 617 Hi Circle N Horseshoe Bay TX 78657

The Variance request is for a 5 foot Variance in the maximum building height requirement of Sec. 14.02.408(hX2) of 32 feet on Lot No. 21080 of Horseshoe Bay Plat No. 21.1, also known as 617 Hi Circle N, in the City of Horseshoe Bay, Texas, for the 35 foot tall building on the Waterfront.

Name Address	Phone #	Signature
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Petition against the zoning variance request at 617 Hi Circle N Horseshoe Bay TX 78657

The Variance request is for a 5 foot Variance in the maximum building height requirement of Sec. 14.02.408(hX2) of 32 feet on Lot No. 21080 of Horseshoe Bay Plat No. 21.1, also known as 617 Hi Circle N, in the City of Horseshoe Bay, Texas, for the 35 foot tall building on the Weterfront.

Name	Address	Phone #	Signature
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Petition against the zoning variance request at 617 Hi Circle N Horseshoe Bay TX 78657

The Variance request is for a 5 foot Variance in the maximum building height requirement of Sec. 14.02.406(hX2) of 32 feet on Lot No. 21060 of Horseshoe Bay Plat No. 21.1, also known as 617 Hi Circle N, in the City of Horseshoe Bay, Texas, for the 35 foot tall building on the Waterfront [Type here]

Name	Address	Phone #	Signature
Dathie Alhoun	74 Applehand	972-979-9040	Chathie Calhoun
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617 HIGH CIRCLE N

VARIANCE REQUEST – OBJECTIONS

The 5' height variance request will allow **3 story** structures. That is why the applicant is making the request.

This is inconsistent with ALL adjacent homes on High Circle N and Crossbow.

All homes on High Circe N and Crossbow are 1 or 2 story.

Drainage has nothing to do with building height.

There is 10' of fall from the street to the lake. Drainage is designed to go around the structure, to the side yards, and down to the lake. Totally independent of building height. This is how all homes drain on High Circle N and Crossbow and again they are all 1 or 2 story.

LCRA has not received an application for boat dock permits but said they can't be approved as designed because (they) have to be 75' from all adjacent property lines. There is not room to do that.

To the Board of Adjustment:

I received a phone call from Elsie Thurman who told me she and 3 of her neighbors across the creek object to the Variance request.

Eric Winter
Development Services director

Eric Winter

From:

Tom Oostermeyer <oostermeyer2002@yahoo.com>

Sent:

Wednesday, December 11, 2019 2:46 PM

To:

ewinter@horseshoe-bay-tx.gov

Subject:

Variance at 617 Hi Circle N Property

Mr. Winter - Double O Solutions, Inc owns a unit at 606 Rio. The Company does not support and is not in favor of granting any height variance at the 617 Hi Circle N, Horseshoe Bay, TX location.

Thank you,

T. P. Oostermeyer President, Double O Solutions, Inc.

Eric Winter

From:

William Shea <wdshea@hotmail.com>

Sent:

Thursday, November 14, 2019 4:37 PM

To:

ewinter@horseshoe-bay-tx.gov

Cc:

brendanj@nforest.com

Subject:

617 hi circle north, horseshoe bay, tx

dear mr. winters,

my wife and i are neighbors adjacent to the referenced project. we are in support of their request for a height variance of 5 (five) feet on their project.

respectfully, kim and bill shea 512.576.4165



City of Horseshoe Bay Board of Adjustment Zoning Variance Case No. 2019-06

On the 17th day of December, 2019, the foregoing application of Two P's and a Q, LLC and Meghan Jordan for a Variance with regard to the property described in said application, known as Lot 21060, of Horseshoe Bay Plat No. 21.1, also known as being in the 600 Block of Hi Circle N., and the requested Variance to exceed the maximum allowable building height of 32 feet in Section 14.02.406(h)(2) was heard and considered by the Board of Adjustment of Horseshoe Bay, Texas. Said application having been found to be in compliance with all other requirements of the City's Zoning Ordinance and a public hearing having been conducted, said application is hereby approved and the following findings are made and incorporated into the minutes of the meeting at which the 5 foot Variance in building height in the R-6 Apartment, Townhouse and Cottage Classification in Zone 4A of Horseshoe Bay was granted conditional upon:

- ACC approval of changes to the roofline; or
- Changes to the ceiling height, to bring the building height to 35 feet.
- 1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the City's Zoning Ordinance would deprive the applicant of the reasonable use of the land;
- 2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
- 3. Granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
- 4. Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of the Zoning Ordinance;
- 5. Granting of the variance constitutes a minimal departure from the Zoning Ordinance;
- 6. The subject circumstances or conditions are not self-imposed, based solely on economic gain or loss, or generally affect most properties in the vicinity of the property.

APPROVED on this, the 17th day of December, 2019 by a vote of the Board of Adjustment of the City of Horseshoe Bay, Texas.

	CITY OF HORSESHOE BAY, TEXAS
ATTEST:	Jim Babcock, Chairman
Eric W. Winter, Development Services Director	





2020 BOARD OF ADJUSTMENT PROPOSED MEETING SCHEDULE

Date	Type	Time and Location
1/28/20	Regular BOA Meeting	3:00 p.m. Council Chambers
2/25/20	Regular BOA Meeting	3:00 p.m. Council Chambers
3/24/20	Regular BOA Meeting	3:00 p.m. Council Chambers
4/27, 29 or 30/20*	Regular BOA Meeting	3:00 p.m. Council Chambers
5/26/20	Regular BOA Meeting	3:00 p.m. Council Chambers
6/22, 24, or 25/20**	Regular BOA Meeting	3:00 p.m. Council Chambers
7/28/20	Regular BOA Meeting	3:00 p.m. Council Chambers
8/18/20***	Regular BOA Meeting	3:00 p.m. Council Chambers
9/22/20	Regular BOA Meeting	3:00 p.m. Council Chambers
10/27/20	Regular BOA Meeting	3:00 p.m. Council Chambers
11/24/20	Regular BOA Meeting	3:00 p.m. Council Chambers
12/15 or 22/20****	Regular BOA Meeting	3:00 p.m. Council Chambers

EXPLANATIONS

^{*4/28} is Special City Council Meeting with Realtors

^{**6/23} is Special City Council Meeting with Builders

^{***4&}lt;sup>th</sup> Tuesday is Regular City Council Meeting.

^{****}Regular City Council Meeting is 12/8